

281—41.311 (256B,34CFR300) Specific documentation for the eligibility determination.

41.311(1) *Documentation required.* For a child suspected of having a specific learning disability, the documentation of the determination that the child is an eligible individual, as required in 41.306(1) “b,” must contain a statement of:

- a. Whether the child has a specific learning disability;
- b. The basis for making the determination, including an assurance that the determination has been made in accordance with 41.306(3) “a”;
- c. The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child’s academic functioning;
- d. The educationally relevant medical findings, if any;
- e. The determination that:
 - (1) The child does not achieve adequately for the child’s age or to meet grade-level expectations or such grade-level standards the SEA may choose to adopt consistent with 41.309(1) “a”; and
 - (2) The child does not make sufficient progress for the child’s age or to meet grade-level expectations or such grade-level standards the SEA may choose to adopt consistent with 41.309(1) “b”(1); or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to the child’s age or to meet grade-level expectations, such grade-level standards the SEA may choose to adopt, or intellectual development consistent with 41.309(1) “b”(2);
- f. The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child’s achievement level; and
- g. If the child has participated in a process that assesses the child’s response to scientific, research-based intervention:
 - (1) The instructional strategies used and the student-centered data collected; and
 - (2) The documentation that the child’s parents were notified about:
 1. The state’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
 2. Strategies for increasing the child’s rate of learning; and
 3. The parents’ right to request an evaluation.

41.311(2) *Certification required.* Each group member must certify in writing whether the report reflects the member’s conclusion. If it does not reflect the member’s conclusion, the group member must submit a separate statement presenting the member’s conclusions.